

REMARKS

This is a complete response to the outstanding Final Office Action mailed July 3, 2008. Claims 1-9 and 11-21 remain pending in the present application.

I. Response to Claim Rejections Based on Obviousness

The Applicant respectfully submits that U.S. Patent 3,339,201 to Fischer et al. (hereinafter Fischer), U.S. patent 5,136,295 to Bull et al. (hereinafter Bull), and other cited references fail to disclose, teach, or suggest all elements of the rejected claims for at least the reasons that follow. Specifically, Fischer in view of Bull fails to disclose powering the infrared decoy by a laser source.

Fischer discloses two separate decoys for deceiving different types of detectors used to identify aircraft. A first decoy is associated with jamming and detection of Radio Frequency (RF) signals. A second decoy is associated with jamming and detection of infrared signals. Fischer discloses powering the infrared decoy by way of a nozzle (item 4) discharging ignited fuel supplied by tubing (item 2) from the aircraft. The ignited fuel

decoy is designed to deceive infrared detectors. Fischer discloses a decoy antenna (item 3) associated with an RF decoy designed to deceive RF detectors. The decoy antenna is powered by electricity generated onboard the aircraft and transmitted via conductive cable.

The Office's analysis acknowledges that Fischer does not disclose the use of a laser source as powering either the RF decoy or the infrared decoy. The Office cites to Bull to cure this defect. The analysis cites specifically to Bull's disclosing a laser for powering Bull's RF decoy. See column 8, lines 36-70 of Bull. It should be noted that Bull only discloses and is only directed to an RF decoy. Bull does not disclose, teach, or suggest an infrared decoy. One skilled in the art at the time of the invention, based on the Office's analysis, would have only considered replacing the RF decoy powered by electricity over a conductive cable of Fischer with the RF decoy powered by electricity via conversion at the decoy of an optical signal over a fiber optic cable of Bull.

Fischer's disclosure of a RF decoy powered by electricity and a second infrared decoy powered by combustible fuel actually teaches away from applying the teaching of an RF decoy to an

infrared decoy. One skilled in the art would have acknowledged that due to the high power consumption of the infrared decoy, the teachings of Fischer suggest using different sources of power for the different decoys. Therefore one skilled in the art at the time of the invention would not have been motivated to apply Bull's teaching of electrically powering an RF decoy via conversion of optical signals over a fiber optic cable to an infrared decoy that is not even powered electrically but by a combustible fuel. Applicant respectfully requests reconsideration and withdrawal 103 rejections of independent claims 1, 7, and 14.

The Applicant also respectfully submits that since claims 2-9, 11-13, and 15-21 depend on independent claim 1, 7, and 14, respectively, claims 2-9, 11-13, and 15-21 contain all limitations of independent claims 1, 7, and 14, respectively. Since independent claim 1, 7, and 14 should be allowed, as argued herein, pending dependent claims 2-9, 11-13, and 15-21 should be allowed as a matter of law for at least this reason. In re Fine, 5 U.S.P.Q.2d 1596, 1608 (Fed. Cir. 1988).

III. Prior Art Made of Record

The prior art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

CONCLUSION

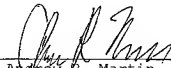
In light of the foregoing amendments and comments and for at least the reasons set forth above, Applicant respectfully submits that all objections and rejections have been traversed, rendered moot and/or accommodated, and that presently pending claims 1-9 and 11-21 are in condition for allowance. Applicant has responded to all of the Examiner's requests. Favorable reconsideration and allowance of the present application and the presently pending claims are hereby courteously requested. The examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

In re: Eugene S. Rubin
Filed: December 13, 2005
Serial No.: 10/560,767
Page 12

Respectfully submitted,

Eugene S. Rubin

By



Andrew R. Martin, Esquire
Registration No. 45,413
Attorney for Applicant(s)

BOURQUE & ASSOCIATES, P.A.
835 Hanover Street, Suite 301
Manchester, New Hampshire 03104

Telephone: (603) 623-5111
Facsimile: (603) 624-1432

Date: 10-3-08